

Hurst, Ben

From: Hurst, Ben
Sent: Tuesday, June 26, 2018 11:04 AM
To: 'Routt, Christiane'
Cc: 'Samuels, Crystal'; 'Adkins, Norman'; 'Thompson, Stephen'; Hunkins, Garrett W.
Subject: RE: Status of FOIA EPA-HQ-2018-001917

Ms. Routt,

Thank you for your time on the phone just now. As we discussed, we find the fee estimate you've provided to be far too high, and very much out of step with the fees we've been assessed from other agencies and, frankly, in similar productions from the EPA. We understand that the fee estimate is also out of step with what ORD has done in the recent past. We're also very surprised to just now be learning about this estimate, seven months after our firm submitted its request. As it stands, we believe the fee estimate and request for initial payment operates as an effective denial of access to the records.

Regardless, we do want to work with you to see if we can narrow the scope of the request and to see what progress we can make on reducing the fee estimate. We understand that you intend to arrange for someone to call us by Thursday afternoon of this week, and we look forward to that call. In particular, we'd like to discuss how many responsive documents each search term is producing, and we'd like to see a breakdown of the estimated fee calculation. We look forward to discussing these issues on the call.

Given the length of time that this request has been delayed, we wish to move forward quickly to see what, if any, progress can be made to reduce the fee estimate and obtain production of the documents from the agency.

Thank you again for your time,

Ben

From: Hurst, Ben
Sent: Wednesday, June 20, 2018 12:11 PM
To: 'Routt, Christiane'
Cc: Samuels, Crystal; Adkins, Norman; Thompson, Stephen; Hunkins, Garrett W.
Subject: RE: Status of FOIA EPA-HQ-2018-001917

Ms. Routt,

Thank you very much for your email. I am somewhat surprised by the cost estimate, which seems to be running substantially higher than similar requests with other agencies.

Do you have any additional information about the potentially responsive documents? In particular, if you can give me a breakdown of how many documents hit for each search term, I think we might be able to significantly narrow the request and save both time and money. I suspect there are one or two search terms that are creating many false positives.

I am happy to correspond by email—we really do appreciate the open dialogue—but we're happy to set up a call with you also. We've found that these calls can often be very productive. Please let me know.

Regards,

Ben

From: Routt, Christiane [mailto:Routt.Christiane@epa.gov]
Sent: Wednesday, June 20, 2018 11:55 AM
To: Hurst, Ben
Cc: Samuels, Crystal; Adkins, Norman; Thompson, Stephen
Subject: Status of FOIA EPA-HQ-2018-001917

Good Afternoon Mr. Hurst,

First, allow me to introduce myself – My name is Christiane Routt and I have only recently assumed responsibility and charge to manage the FOIA program for the Office of Research and Development.

I'm reaching out to you as the requestor for several reasons, all of which I hope will assist in moving this request closer to completion.

I saw that there were communications between yourself and Crystal Samuels (FOIA liaison in NCEA/ORD) regarding this specific request. She expressed concern over the potential volume of records and requested that you consider narrowing the scope, to which you pushed back but also mentioned you would reconsider once we had an approximate number of documents/records (emails of February 12, March 13 and April 25, 2018). In these exchanges, Ms. Samuels did provide a number of records (5,719) that were identified thus far.

I don't believe there was a response from you regarding the volume/number of records or the reconsideration for a narrower scope to consider. We of course ask questions in narrowing search scopes to ultimately expedite the FOIA requests, and have the records released. With a number this large, prior to any further processing, I want to be sure we are informing you of the estimated costs associated with this case.

The 5,719 records translate to an estimated number of 30,000 pages (if each document contains an average of 6 pages, and this includes attachments). Given the number of records, number of pages, and anticipated time spent in reviewing each record for responsiveness (for which reviews must be conducted twice), we have calculated fees associated with this request to be in the region of \$75,000. Of course, this is an estimate and we will not have more solid numbers until we start actually conducting the reviews. If the costs are running significantly higher than anticipated due to larger numbers of pages/attachments or complexity, we will of course let you know prior to proceeding any further.

Due to the magnitude of the volume and fees associated with this request, we ask that some payment up front be made before proceeding. A 15% down payment of \$11,250.00 towards this specific FOIA is an initial good faith payment and we should be able to proceed. Again, we will alert you if we anticipate a change in these estimates before we proceed further.

Of course, if you chose to have a more narrowed search scope (either people, timeframe or terms), this would likely reduce the volume and the cost. Please let me know how you wish to proceed. I understand that there have been a number of delays with this request, but am pleased to see that Ms. Samuels and you have been communicating the concerns, scope, and timeframes.

Please let me know if you would like to either 1) proceed and make payment (for which we will have FOIAonline provide you a billing invoice for the initial payment); or 2) if you would prefer to narrow the search scope some. I'm more than happy to discuss with you different options in narrowing the scope, should you choose to do so.

I appreciate your attention to this.

Christiane E. Routt

Senior Advisor, OPARM, ORD
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